

# Monroe County Pistol Permit Department

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**Please note that these are current procedures and are subject to change as a result of the passage of the NYSAFE Act. We will update our website with any new information we receive.**

## OFFICE INFORMATION

### Where are you located and what are your office hours?

We are located at 39 West Main Street, Rochester, NY 14614 on the first floor of the County Office Building. We are open Monday through Friday from 9 am to 5 pm except for federally recognized holidays. Please note that the Monroe County Mobile Units are solely for the purpose of DMV transactions and they cannot process pistol permit transactions.

### Do I have to physically come down to your office in person to do any amendments to my permit?

Yes. All amendments to your permit must be done **in person**. Another person cannot come in for you.

## FILLING OUT AN APPLICATION

### How old do I have to be to apply for a permit?

You must be 21 unless you have been honorably discharged from the military.

### The application asks for a NYSID and License Number. What is that?

The application instructions direct you to fill out the application starting with your last name. The NYSID, License Number and Date of Issue are all for our office use only.

### The application asks for arrest information. Where do I get this information?

Contact the police agency where the incident occurred (ie. NYS Police, Sheriff's Department, Greece Police, etc).

### The application asks me to check a box for a certain type of license. What should I choose?

Carry Concealed.

### Do you take photos in the office?

Pictures for your permit are available in our office for the fee of \$7 per set of 2 photos.

### Does the form need to be notarized before I come in?

Please wait until you are in front of a Clerk to sign your application. Notaries are available in our office.

### I do not have any medical issues (anxiety, depression, bi-polar disorder, etc.) Do I need to fill out the Release of Medical Information Form?

If Form 3 or 4 does not apply to you, you can leave it blank.

### Who can serve as a character reference for my application?

You can use any reference who has known you for at least 3 years. They cannot be your relative (spouse, uncle, brother-in-law, etc.) and cannot be any member of active or retired law enforcement.

### Can I have my fingerprints done somewhere else or at a police sub-station?

Your fingerprints **MUST** be done at the location instructed in your application packet. You cannot go to another police station or sub-station for fingerprints. Likewise, if you have already had your fingerprints done for a job or another reason, you still must get your fingerprints done again for your pistol permit.

## ONCE YOU'VE TURNED IN YOUR APPLICATION

### Why does the application process seem to take so long?

Due to the number of agencies involved, two of which are located in Albany, the processing of a pistol permit application can take approximately 6 to 9 months. This is ONLY an estimate and not a guarantee. Due to the increased interest in permit applications and increased volume in permit transactions, all processing times for permit related transactions can take longer than usual.

### Can I check on the status of my permit?

We cannot check the status of an application unless it has been **at least 9 months** since you turned in your application to the Clerk's Office. We are only able to provide the status of the application as far as to which agency has most recently received your permit (the law enforcement agency or a Monroe County Court Judge). The Courts do not provide us with individual status reports on applications and we are unable to estimate or determine how much longer your permit will be with each agency.

### I've moved and I've already turned in my application. Do I need to notify you?

Yes. Once you move you need to notify our office. This can only be done by visiting our office in person.

### My references, or I, have been called by the police. What is the next step?

Just because your references were called, does NOT mean that your permit is ready. Once the police agency has completed their investigation and turned your application to us, we send it over to the Monroe County Courts to be assigned to a Monroe County Court Judge. Once a permit is approved by a Judge, it is sent back to our office. If you receive a letter from a Judge, please wait until your approved permit is mailed to you from our office.

## RECEIVING YOUR PERMIT

### Where can I find information on the legal rights I have as a gun owner?

Our office does not provide a comprehensive list of where you can and cannot carry your firearms. Please contact a local police agency or an attorney for more information.

### Do I have to have a gun on my permit in order to carry?

No, you do not need to have a gun on your permit in order to make it valid. Additionally, in Monroe County, there is no limit on how many guns that can be added to your permit.

### Can I laminate my pistol permit?

No, you cannot laminate or alter your pistol permit. If you do, you will need to request a new one.

### When will you be transitioning to the Plastic Card permit?

The desire for a more durable pistol permit has been a popular request among Monroe County permit holders. At the time of the passage of the NYSAFE Act in January 2013, our office was awaiting approval from NYS Police on our plastic card design. After the law was enacted, our authorization was put on hold due to the unforeseen change of laws and how they would impact information that is required on current pistol permits, as well on plastic cards from counties who were still awaiting approval on their proposal. We realize the anticipation for the plastic card and appreciate your patience as we await approval from the State Police.

## PISTOL PERMIT TRANSACTIONS – ADDING & REMOVING GUNS

### How do I add a gun from a dealer?

You must provide an original receipt from a federally licensed dealer on the dealer's letterhead that includes their FFL number that clearly depicts the make, model, caliber, serial number and type of firearm. The cost is \$3 per amendment, not gun.

### How do I add a gun from an individual?

A dated Bill of Sale or Consent Form is required to add a gun from an individual. These forms are available online and must be completed, regardless of "purchase" price. The seller's signature must be notarized. The cost is \$3 per amendment, not gun.

Additionally, you must be updated with Brady Check (see below for information), in order to add a gun from an individual.

*\*Please note if you will be adding or removing over 10 guns at any time, you must contact our office in advance to make an appointment\**

### What is the Brady Check?

The Brady Check is a criminal background check that must be updated every 5 years in order to add ANY firearm from an individual (private sale or co-registering). This must be completed at our office PRIOR to adding a gun from an individual. The process for this takes approximately 2 weeks and is at no cost to you. Once a Brady Check is completed, it is mailed back to you. Once you receive this in the mail, you may then add the gun from the individual. If your pistol permit was issued within the last 5 years, this background check was covered in your application and you are good for 5 years.

### Can I co-register a gun with a friend or family member?

Yes, Monroe County allows permit holders to co-register their guns. The "buyer" will be need to bring in a Consent Form that must be completed and notarized by the seller. If this form is notarized, the person granting consent ("the seller") does not need to come with you to our office. However, you will need to be updated with your Brady Check first. Monroe County also allows you to co-register guns with a family member/friend if they are in another county. Please check the other county involved to see if they allow co-registering. Additionally, if a gun is co-registered, it is BOTH of the permit holders responsibility to notify our office if either of you need to remove the gun from your permit.

### What if there is no money involved in the transaction between private parties?

You must still fill out either the Bill of Sale or Consent Form, regardless of price and submit it to our office. The "seller" is the person who currently has the firearm and is either giving/selling/granting consent of the gun to the "buyer".

### How do I remove a gun from my permit?

You must provide an original receipt from a federally licensed dealer or a custody report if you turned it into a police agency. If you sold or gave your gun to an individual through a private sale, you must complete the Bill of Sale form that includes the buyers name, address and carry information. The seller's signature must be notarized. The cost is \$3 per amendment, not gun.

## **PISTOL PERMIT TRANSACTIONS – ADDING & REMOVING GUNS continued**

### **What if I do not have a receipt or remember to whom I sold the gun to?**

State Police requires us to have a Bill of Sale from a dealer or the name, address and permit number of the individual the gun was given to. If you do not have this information, please contact State Police at 518-464-7120.

### **How do I add a gun from a deceased person?**

Please refer to the Estate Transfer Form available online in order to add a gun from a deceased person. The form indicates all of the paperwork that is needed per NYS Penal Law.

### **How to I report a gun lost or stolen?**

You must contact your local police agency to report a gun lost or stolen. They will provide you with a police report. Please bring that report to our office in order to notify us that the guns were lost or stolen. The police agency will NOT notify our office of the report. It is the permit holders responsibility to notify the clerk's office.

### **How do I add a gun that was from out of state or remove a gun that was sold out of state?**

Federal law provides that pistols obtained or sold out of state may be shipped in or out of state ONLY by a licensed dealer. You may turn your gun into a dealer and they will transfer the firearm to another dealer in the other state. Please contact a Federal Firearms Dealer for more information. You will then bring the receipt from the New York dealer in order to add or remove the firearm.

### **I found a gun. Can I add it to my permit?**

You must first contact your local police agency to arrange for them to pick up the gun. Once they have done a background check on the firearm, they will give you a Custody Report. You may then bring in that Custody Report in order to add the gun to your permit.

## **PISTOL PERMIT TRANSACTIONS – REQUESTING A NEW PERMIT**

### **My permit is lost/stolen/torn. How do I request a new permit and how long does it take?**

You can request a new permit from our office at any time. The cost is \$12 and it includes the photos. Please bring in a list of the guns currently listed on your permit so we can verify your file. Be sure to include the make, model, caliber, serial number and type of firearm (semi-automatic or revolver). The process usually takes 6 to 8 weeks but it can take longer. We will notify you by phone when your new permit is ready to be picked up, at which time you must turn in your old permit. You can still carry your old permit until your new one is issued. Once a request for a new permit is made, you CANNOT add or remove any guns to your permit until your new one is issued.

### **How do I change my name on my permit?**

If you need to change your name on your permit, you must request a duplicate permit. Please refer to the information above. Please bring in a copy of your driver license with your new name or a copy of your marriage/divorce/name change paperwork that proves the new name.

### **Can I add or remove any guns after I submitted a request for a new permit?**

No, once you have submitted a request for a new permit, you cannot make any amendments to your permit until your new permit is issued.

## **PISTOL PERMIT TRANSACTIONS**

### **MOVING, TRANSFERING IN AND OUT OF MONROE COUNTY OR NYS**

#### **How do I change my address on my permit?**

A person must notify our office within 10 days of moving. This can only be completed by visiting our office in person. If it is past the 10 days, you can still notify our office. There is no fee for this transaction. You do not need any additional documentation to change your address at our office.

#### **I plan on moving into Monroe County. Can I transfer my permit from my current county to Monroe?**

If you are transferring your permit from your previous county to Monroe County, you must FIRST contact your previous county and they will transfer your file to Monroe County. Once we have received your file, you will be notified by letter to come into our office and fill out the paperwork to be issued a Monroe County permit. Please wait until you have received this letter to visit our office. If your previous county had restrictions on your permit and you would like to request to have them lifted, please include a letter addressed to "Monroe County Court Judge" explaining your reasons to request that the restrictions be removed from your permit.

#### **I am moving out of Monroe County. How do I transfer my permit to my new county?**

You can either come into our office to request the transfer or fill out the Transfer Request Form that is available online. This must be completed and mailed to our office with a \$5 check made payable to the Monroe County Clerk. Please allow 2-3 weeks to process your paperwork. You may then follow up with your new county on how to proceed.

#### **I am moving to New York State from another state. How do I obtain a NYS permit?**

You must be a Monroe County resident for at least 6 months prior to applying for a pistol permit. Your permit cannot be transferred from another state into New York. Additionally, if you have any guns that are being transferred from another state, they must be held with a local police agency until you are able to secure your permit in Monroe County.

#### **I've moved out of New York State. Is my permit still valid?**

No. Your NYS permit is only valid if you maintain a primary residence in New York. If you have moved out of state, you need to **surrender** your permit. To do so, send us a letter that informs us of your new address and informing us that you are surrendering your permit. You should also send us your actual permit. If it has been lost, please notify us in the letter.

If you have a secondary residence out of state, you can still maintain your NYS permit as long as you maintain a residence in NYS.

New York does NOT issue non-resident pistol permits.

## NYSAFE ACT

### What is the Opt-Out Program?

Per the NYS Police Website, the NYSAFE Act protects the privacy of pistol license holders by permitting them to notify their County Clerk that they do not wish for their information to be released publicly. The Superintendent of the NYS Police has created a form to allow you to 'opt-out' so that your pistol permit records are exempt from Freedom of Information Requests (FOIL).

The form is available on our website at <http://www.monroecounty.gov/clerk-opt-out-privacy-form>. You must complete the form and either **drop it off or mail it** to our office at 39 West Main Street, Rochester, NY 14614. The state will not allow us to accept faxed or e-mailed copies.

### I'm filling out my Opt Out Form. What is the Firearms License Number?

The Firearms License Number is your Carry or Permit Number, not the NYSID # that may be on your permit.

### How will I know if my Opt-Out form was received and approved?

Per the NYS Police, all submitted Opt-Out forms are considered approved unless the Permit Holder is contacted otherwise. All opt out forms are time stamped by our office and then sent over to County Court for review. If for some reason the Court requires additional information or denies a request, the individual would be contacted directly. Otherwise, the form is approved and sent back to our office to be kept on record. There is nothing additional that you need to do.

### I was issued a permit in one county but have since moved to another county. Where do I send my form?

Your Opt-Out form should be sent to the county that originally issued your Pistol Permit. If you have since moved to another county, we suggest that you send opt-out forms to BOTH counties just to be safe.

### Can I turn in an Opt-Out Form if I am an applicant for a pistol permit?

Yes, the form indicates a check box for an "applicant for a firearms license". You can check that box and turn the form into our office at the time of your application or anytime during the application process.

### When do I need to re-certify my pistol permit?

We are still awaiting details on when the recertification will need to take place and how it will be administered. Once we have details, we will update our website.

### Where can I find information on assault weapons and what needs to be registered with the state?

The Governor's Office has established a website to answer questions about the New York SAFE Act. Please visit [www.nysafeact.com](http://www.nysafeact.com) for more information.

NYS Police has set up an online registration process for registering assault weapons. You can visit the website at [www.nysafeact.com](http://www.nysafeact.com) for more information. Registration forms can also be obtained by visiting a NYS Trooper station. For locations and phone numbers, visit [www.troopers.ny.gov](http://www.troopers.ny.gov).

Our office **cannot** determine if your firearm is an assault weapon covered under the NYSAFE Act. For clarification on assault weapons and how to register them with the state, please visit [www.nysafeact.com](http://www.nysafeact.com). If you have additional questions, NYS Police have established a hotline at **1-855-LAW-GUNS**. Representatives are available Monday-Friday from 9 a.m. to 4 p.m.